

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

PIAZZA'S CARPET & TILE SHOP, INC.,  
on behalf of itself and all others similarly  
situated,

Plaintiff,

v.

HICKORY SPRINGS  
MANUFACTURING COMPANY,  
VALLE FOAM INDUSTRIES, INC.,  
DOMFOAM INTERNATIONAL, INC.,  
THE CARPENTER COMPANY,  
THE WOODBRIDGE GROUP,  
FLEXIBLE FOAM PRODUCTS, INC.,  
SCOTTDEL INC., FOAMEX  
INNOVATIONS, INC., FUTURE FOAM,  
INC., VITAFOAM PRODUCTS  
CANADA LIMITED, AND VITAFOAM,  
INC.

Defendants.

**CASE NO. 5:10-cv-111**

JAMESTOWN MATTRESS CO., INC.,  
on behalf of itself and all others similarly  
situated,

Plaintiff,

v.

HICKORY SPRINGS  
MANUFACTURING COMPANY,  
VALLE FOAM INDUSTRIES, INC.,  
DOMFOAM INTERNATIONAL, INC.,  
THE CARPENTER COMPANY,  
THE WOODBRIDGE GROUP,  
FLEXIBLE FOAM PRODUCTS, INC.,  
SCOTTDEL INC., FOAMEX  
INNOVATIONS, INC., FUTURE FOAM,  
INC., VITAFOAM PRODUCTS  
CANADA LIMITED, AND VITAFOAM,  
INC.,

Defendants.

**CASE NO. 5:10-cv-00113**

THOMPSON TRADING COMPANY,

Plaintiff,

v.

HICKORY SPRINGS  
MANUFACTURING COMPANY,  
VALLE FOAM INDUSTRIES, INC.,  
DOMFOAM INTERNATIONAL, INC.,  
THE CARPENTER COMPANY, THE  
WOODBRIDGE GROUP, FLEXIBLE  
FOAM PRODUCTS, INC., SCOTTDEL,  
INC., FOAM EX INNOVATIONS, INC.,  
FUTURE FOAM, INC., VITAFOAM  
PRODUCTS CANADA LIMITED, AND  
VITAFOAM, INC.,

Defendants.

**CASE NO. 5:10-cv-00114**

SHORE-LINE CARPET SUPPLIES, INC.,  
on Behalf of Itself and all Others Similarly  
Situated,

Plaintiff,

v.

HICKORY SPRINGS  
MANUFACTURING COMPANY,  
VALLE FOAM INDUSTRIES, INC.,  
DOMFOAM INTERNATIONAL, INC.,  
THE CARPENTER COMPANY, THE  
WOODBIDGE GROUP, FLEXIBLE  
FOAM PRODUCTS, INC., SCOTTDEL,  
INC., FOAM EX INNOVATIONS, INC.,  
FUTURE FOAM, INC., VITAFOAM  
PRODUCTS CANADA LIMITED, AND  
VITAFOAM, INC.,

Defendants.

**CASE NO. 5:10-cv-00115**

V & M, INC. d/b/a COSTA  
INTERNATIONAL,

Plaintiff,

v.

HICKORY SPRINGS  
MANUFACTURING COMPANY,  
VALLE FOAM INDUSTRIES, INC.,  
DOMFOAM INTERNATIONAL, INC.,  
THE CARPENTER COMPANY, THE  
WOODBIDGE GROUP, FLEXIBLE  
FOAM PRODUCTS, INC., SCOTTDEL,  
INC., FOAM EX INNOVATIONS, INC.,  
FUTURE FOAM, INC., VITAFOAM  
PRODUCTS CANADA LIMITED,  
VITAFOAM, INC.,

Defendants.

**CASE NO. 5:10-cv-00116**

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**MOTION OF ALYANNA ENTERPRISES, INC. TO INTERVENE FOR THE LIMITED  
PURPOSE OF FILING A MOTION IN OPPOSITION TO THE PRESENT  
CONSIDERATION BY THIS COURT OF THE JOINT MOTION FOR  
CONSOLIDATION OF RELATED CASES AND FOR APPOINTMENT OF INTERIM  
CO-LEAD AND LIAISON COUNSEL**

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Plaintiff Alyanna Enterprises, Inc., D/B/A The Mattress Maker (“Alyanna”), a Brockton, Massachusetts corporation that has filed a complaint in the Northern District of Ohio alleging violations of antitrust law arising from the same conspiracy alleged in the above-referenced actions, respectfully requests leave to intervene in this action for the limited purpose of filing the attached Partial Opposition of Alyanna Enterprises, Inc. to the Joint Motion for Consolidation of Related Cases and For Appointment of Interim Co-Lead and Liaison Counsel (“Lead Counsel Motion”). *See* Opposition of Alyanna to the Lead Counsel Motion, attached hereto as Exhibit A.

In support of this motion, Alyanna states as follows:

- (1) Alyanna, as well as several other plaintiffs, have filed actions in the Northern District of Ohio also arising from the conspiracy described in the above-referenced actions. *See* Complaint, *Alyanna Enterprises, Inc., D/B/A The Mattress Maker v. Hickory Springs Manufacturing Company, et al.*, 3:10-cv-01910-JZ (N.D. Ohio) (“*Alyanna* Complaint”), attached hereto as Exhibit B. *See also*, *In re Polyurethane Foam Antitrust Litig.*, Schedule of Actions, filed by Piazza’s Carpet and Tile Shop, which is attached hereto as Exhibit C (identifying cases filed as of August 25, 2010 with regard to the alleged Polyurethane Foam conspiracy).

- (2) Plaintiffs Piazza's Carpet and Tile Shop, Inc. recently filed a Motion before the Judicial Panel on Multidistrict Litigation to consolidate and transfer all actions relating to the conspiracy alleged in the above-referenced actions to this Court. *See In re Polyurethane [sic] Foam Antitrust Litigation*, Memorandum of Law In Support of Plaintiff Piazza's Carpet and Tile Shop, Inc.'s Motion for Transfer And Consolidation or Coordination of Related Antitrust Actions For Pretrial Proceedings Pursuant to 28 U.S.C. § 1407 ("MDL Memorandum"), attached hereto as Exhibit D.
- (3) Plaintiff Piazza's Carpet & Tile Shop, Inc.'s Motion for Transfer and Consolidation or Coordination of Related Antitrust Actions for Pretrial Proceedings Pursuant to 28 U.S.C. § 1407 ("Piazza's MDL Motion") was docketed on August 31, 2010, meaning that responses to the Motion are due on September 21, 2010. *See In re Polyurethane Foam Antitrust Litigation*, Notice of Filing and Publication of Briefing Schedule, attached hereto as Exhibit E.
- (4) At this time, it appears that at least some Plaintiffs and some Defendants – potentially including Alyanna and the Defendants located in the Northern District of Ohio – will oppose Piazza's MDL Motion, and will instead seek transfer of the actions arising from the Polyurethane Foam Conspiracy to the Northern District of Ohio. Other Plaintiffs may also seek transfer to still other judicial districts.
- (5) Accordingly, pursuant to Fed. R. Civ. P. 24(a)(2), Alyanna should be permitted to intervene in this action for the limited purpose of opposing as premature the Lead Counsel Motion. Selection of Lead Counsel prior to determination of the appropriate transferee forum "may, as a practical matter impair or impede" Alyanna's "ability to protect its interest," Fed. R. Civ. P. 24(a)(2), because Alyanna, having not filed its

action in this forum, will be afforded no meaningful opportunity to participate in the selection of lead counsel unless it is permitted by the Court to intervene in order to present its position on the issue.

Dated: September 3, 2010

Respectfully submitted,

**s/Rebecca K. Cheney**

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***Attorneys for Plaintiff Alyanna  
Enterprises, Inc., D/B/A The  
Mattress Maker***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all parties of record by electronically filing a copy of the same with the Court's ECF filing system

This 3<sup>rd</sup> day of September, 2010.

**s/ Rebecca K. Cheney**  
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